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DEPARTMENT FOR L, S/WCI, EUR, AND DRL

E.O. 12958: DECL: 05/21/2017

TAGS: PTER PHUM EUN AU

SUBJECT: GUANTANAMO DETAINEE RESETTLEMENT: UN RAPPORTEUR  
MANFRED NOWAK'S THOUGHTS

REF: A) VIENNA 1271 (NODIS) B) VIENNA 970

Classified By: Deputy Chief of Mission Scott F. Kilner for reasons 1.4(b) and (d)

¶1. (S) On May 10, DCM met with Manfred Nowak, UN Special Rapporteur on Torture and the Director of the Vienna-based Boltzmann Institute for Human Rights, to discuss various human rights issues, including the possible resettlement of Guantanamo detainees. Noting that Nowak had publicly called for European countries to accept limited numbers of detainees, DCM asked Nowak for his thoughts on how to move the process forward.

¶2. (S) Nowak said he had raised the issue "at the highest levels" of the MFA during Austria's EU Presidency in the first half of 2006, when criticism of Guantanamo was at a peak. Nowak said he had hoped for stronger Austrian Presidency leadership on detainee resettlement, but the issue proved to be too sensitive politically. (Comment: In fact, the Austrian Presidency did work effectively before and during the US-EU Summit to keep discussion of Guantanamo and "extraordinary renditions" on a sober, serious level. End comment.)

¶3. (S) Nowak's principal suggestion was that the U.S. would be more likely to make progress by discussing resettlement at the level of either the European Union or the United Nations, rather than approaching individual European countries bilaterally. EU Member States -- both small and large -- needed to have the political cover of a multilateral initiative to make resettlement in Europe palatable domestically. In Nowak's opinion, without this cover, no government would want to be the test case.

¶4. (S) Nowak further suggested that either the UNHCR or the International Organization for Migration could play a positive role in a multilateral effort to resettle the detainees. Their involvement would provide both needed technical expertise in resettlement details, as well as additional political cover for national governments. He said that he knew UN High Commissioner for Human Rights Louise Arbour well, and opined that she would be willing to take on such an assignment.

¶5. (SBU) Finally, Nowak noted that he would be guest-lecturing at American University in Washington, DC from May 29 through June 6, and would be willing to discuss the issue further with Department officials if there were any interest. He said he could be reached either on his cell phone: 011-43-676-4077-158 or through the AU Law School's Human Rights Academy.

**¶6.** (S) On May 18, Nowak called DCM to discuss the resettlement issue further. While continuing to believe that a "multilateralized" approach offered by far the greatest opportunity for progress, he conceded that there was some chance that Austria might be persuaded to set a "best practice" example within the EU. With that in mind, Nowak said he had raised the issue again with both Austrian President Fischer and FM Plassnik. He said that Fischer was open to the possibility of Austrian leadership, but would want to have more details regarding the detainees. Plassnik, in contrast, had given the suggestion a decidedly cool reception.

Comment

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**¶7.** (S) While Post has told Nowak in very general terms that we have raised the issue of detainee resettlement with the Austrian government, we have not provided him with the details reported reftels. Nowak's public statements exhorting European governments to help end the Guantanamo deadlock by accepting a limited number of detainees have been useful to help re-frame the debate here about Guantanamo, focusing more on a solution, rather than just finger-wagging.  
McCaw